

**REMARKS/ARGUMENTS**

This paper is filed in response to the Office Action of November 16, 2005, in which the Examiner rejected all pending claims 18-28 and 38-44 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0095333 ("**Hudda**") in view of U.S. Patent No. 6,584,448 ("**Laor**").

Applicants have amended claims 18 and 43. Applicants respectfully request that the Examiner reconsider the rejection of claims in light of the changes to the claims and the following remarks.

Applicants' invention, as embodied in amended method claim 18, is directed to a method for a facility communication system in a commercial establishment to provide a targeted electronic communication to a user entering the establishment and having a personal wireless device. The method includes the steps of storing user specific information in a storage location, providing the personal wireless device with a transceiver device, recognizing the presence of the personal wireless device transceiver *when the user enters the establishment* and the personal wireless device is within a predetermined distance from the facility communication system, sending a request for user specific information from the facility communication system to the personal wireless device *in response to recognizing the presence of the wireless device when the user enters the establishment*, retrieving the user specific information, sending the user specific information from the personal wireless device to the facility communication system, comparing the user specific information to predetermined criteria, sending a targeted electronic communication to the wireless device corresponding to the user specific information, and displaying the targeted electronic communication at the wireless device so that the communication may be used by the user while present in the commercial establishment.

Such invention is believed patentable over the cited references. In particular, neither of the applied references show a system and method whereby the presence of the wireless device is recognized *when the user enters a commercial establishment*, and a targeted electronic communication is sent by a facility communication system in a commercial establishment to a personal wireless device *in response to the user and wireless device entering the establishment*,

the communication being based on user specific information and a comparison of that information to predetermined criteria, and the targeted communication being displayed so that the communication may be used by the user while present in the establishment.

**Hudda**, the principal reference, discloses two arrangements for communicating with a consumer having a wireless device. In one arrangement (Figs. 2 through 5C), the consumer is already within the store, and then logs into a system. The consumer enters the UPC code of products and then gets information from the merchant as to those products. In the other arrangement (Fig. 6), the consumer is in a geographical area, logs into the system, enters product information, and the system identifies nearby store locations where the products may be purchased. Neither arrangement recognizes *when the consumer enters a store or commercial establishment*, as in claim 18. In addition, **Hudda** does not disclose *sending a request for user specific information from the facility communication system to the personal wireless device, retrieving the user specific information, and then sending the user specific information from the personal wireless device to the facility communication system*, as also recited in claim 18.

The Examiner has combined **Hudda** with **Laor**, citing **Laor** for its teaching (page 3 of the Examiner's Remarks) of "sending a request for a user specific information from a server to a client and retrieving specific information (col. 1, lines 29-35)". Such reference to **Laor** relates to the disclosure of a cookie which recognizes a user that has previously entered a website (server) and thereafter provides customized information in subsequent visits to the website (col. 1, lines 35-44).

However, neither reference discloses the recognition of the presence of a user and his/her wireless device when entering a commercial establishment. Further, in both references, the user initiates contact (in **Hudda** the user logs into the system, and in **Laor** the user initiates contact with a website in order to receive information). Thus, neither reference discloses, teaches or suggests, either alone or as combined, the claimed features of "reorganizing the presence of the personal wireless device when the user enters the commercial establishment" or "sending a request for user specific information from the facility communication system... in response to recognizing the presence of the personal wireless device and after the user and personal wireless device are within the commercial establishment," as recited in claim 18.

Applicants believe that both **Hudda** and **Laor**, in fact, teach away from the claimed invention and defeat its purpose by requiring the user to initiate the process and log into the system before information is requested. Such an arrangement would eliminate the advantages achieved by Applicants' invention where communications are not initiated by the user, but rather by the facility communication system sensing when the user and personal wireless device enter the commercial establishment.

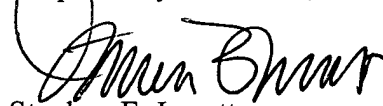
Independent claim 43 recites a system with features similar to claim 18. Claim 43, and the claims which depend from claims 18 and 43, are believed allowable for at least the same reasons as stated above.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
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